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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/307,703 11/22/94 FAIRCLOUGH A 616009PCT

VANAMAN EXAMINER

31M1/0222

LOWE, PRICE, LEBLANC & BECKER
99 CANAL CENTER PLAZA, SUITE 300
ALEXANDRIA, VA 22314

ART UNIT

PAPER NUMBER

3106

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/307,703

Applicant(s)
Fairclough

Examiner
Frank Vanaman

Group Art Unit
3106



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-13 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-13 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Nov 22, 1994 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. § 119, which papers have been placed of record in the file.

Drawings

2. The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the seat mounting means attached to the forward projections of the horizontal bars 29' beyond the front bars 26' and the seat mounting means attached to the auxiliary bars 32 (figure 2, both cases) must be shown or the feature cancelled from the claim. No new matter should be entered.

Specification

3. The Abstract of the Disclosure is objected to because it should be on a separate sheet containing no other elements. It appears that the applicant has provided a photocopy of the cover of the PCT application in place of an abstract. The content of the abstract is not objected to. Correction is required. See M.P.E.P. § 608.01(b).

4. The disclosure is objected to because of the following informalities: on page 1, line 8, "eg" should be --e.g.--, on page 1, line 16, there appears to be a word missing between "shopping" and ";", on page 3, line 11, "platforms one" should be --platforms, one--, on page 3, line 19, "views of" should be --views respectively of--, on page 4, line 15, "ie"

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should be --i.e.,--, on page 7, lines 11-12, applicant refers to figure 3 as being a section, whereas in the brief description of the drawings, the figure is referred to as a partial side view. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claims 1-13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following terms have no antecedent basis in the claims: In claim 1, line 2, "the rear wheels"; in claim 1, line 2, "the trailing edge"; in claim 1, line 3, "the seat"; in claim 2, line 2, "the lower rear bars"; in claim 3, line 2, "the horizontal bars"; in claim 3, lines 3 and 4, "the front bars"; in claim 3, line 4, "the upper portions"; in claims 4 and 5, line(s) 2, "the lower rear bars"; in claims 6 and 10-13, lines 1-2, "the rear wheels"; in claims 6 and 10-13, line 3, "the two rear wheels"; in claims 8 and 9, line(s) 2, "the lower rear bars".

The claims in general fail to provide a complete recitation of the structural connections between the elements of the invention. For example, in claim 1, line 3, applicant refers to mounting means, but it is unclear whether the mounting means are connected to the platform or the chair. In claim 2, line 2, applicant refers to "lower rear bars", but it is unclear whether or not the lower rear bars are integral parts of the side frames. In claim 3, line 2, the term "carried on" fails to recite a structural connection. In claims 6 and 10-13, line(s) 2,

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applicant refers to the rear wheels, a braking mechanism "and by a coupling rod". It is unclear whether or not applicant is referring to a second object of the characterization or is reciting a connection between the braking mechanism and the coupling rod. Additionally, the term "coupling" (line 3) fails to recite a connection.

6. Claim 7 is rejected for obviously failing to particularly point out and distinctly claim the invention as required by 35 U.S.C. § 112, second paragraph. The claim fails to positively recite any structural elements or connections between elements.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4, 7, and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated as understood by Konar (US 3,061,028). Konar teaches an adjustable stroller having a platform (lower surface of element 112) provided with a plurality of wheels including rear wheels (elements 12) mounted proximate the rear trailing edge of the platform and wherein seat mounting means (web elements 77 and 79) are mounted substantially forward of the platform. The stroller of Konar is comprises delta shaped side frames comprising lower horizontal members (elements 4, 5, and 6, 7), front members (elements 16), upper horizontal bars

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(elements 29) and additional connecting bars (elements 31 and 44). The seat mounting means (elements 77, 79, and fasteners 78) are carried by forward projecting horizontal members (elements 29) and auxiliary bar members (elements 37). The platform taught by Konar additionally comprises pins (element 113, 114) which engage slots (elements 110, 111) for rigid mounting of the platform.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

10. Claims 5, 7 and 9 are rejected under 35 U.S.C. § 103 as being unpatentable over Konar in view of Hemstock (CA 483,129). Konar teaches an adjustable stroller having a platform provided with a plurality of wheels including rear wheels mounted proximate the rear trailing edge of the platform and wherein seat mounting means are mounted substantially forward of the platform. The stroller of Konar is comprises delta shaped side frames

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comprising lower horizontal members, front members, upper horizontal bars and additional connecting bars. The seat mounting means are carried by forward projecting horizontal members and auxiliary bar members. The platform taught by Konar additionally comprises pins which engage slots for rigid mounting of the platform. The reference of Konar fails to teach a spring mounted platform. Hemstock teaches a wheeled go cart having first and second platforms (elements 3 and 4), wherein the second platform is hingedly connected to the first (with hinge elements 5) at a first end and connected with springs (elements 6) at a second end. It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the pin connections of the platform of Konar with a hinge and spring connection as taught by Hemstock for the purpose of providing a shock absorber for delicate groceries to be carried on the platform of Konar.

11. Claims 6, 7 and 10-12 are rejected under 35 U.S.C. § 103 as being unpatentable over Konar in view of Cheng (GB 2 243 198 A). Konar teaches an adjustable stroller having a platform provided with a plurality of wheels including rear wheels mounted proximate the rear trailing edge of the platform and wherein seat mounting means are mounted substantially forward of the platform. The stroller of Konar is comprises delta shaped side frames comprising lower horizontal members, front members, upper horizontal bars and additional connecting bars. The seat mounting means are carried by forward projecting horizontal members and auxiliary bar members. The platform taught by Konar additionally comprises pins which engage slots for rigid mounting of the platform. The reference of Konar teaches a

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pivotal braking member (elements 122) having a wheel engaging portion (elements 124). The reference of Konar fails to teach a braking member for each rear wheel, nor does the reference teach a coupling mechanism between two braking mechanisms. It would have been obvious to one of ordinary skill in the art at the time of the invention to duplicate the single braking mechanism of Konar and apply a second brake to the adjacent wheel for the purpose of providing greater security in terms of preventing motion of the cart. The reference of Cheng teaches a pair of brake mechanisms (see figure 2) each having actuating members (elements 20' and 20a) which are coupled together by a bar (element 30') which is pivotally connected (at elements 40) to the actuating members. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the brake coupling mechanism taught by Cheng to connect the brake mechanisms of the modified reference of Konar together for the purpose of enabling the user to operate both brakes with a single motion.

12. Claims 7 and 13 are rejected under 35 U.S.C. § 103 as being unpatentable over Konar as modified by Hemstock as applied to claim 5 above, and further in view of Cheng. The reference of Konar as modified by Hemstock fails to teach a braking member for each rear wheel, nor does the reference teach a coupling mechanism between two braking mechanisms. It would have been obvious to one of ordinary skill in the art at the time of the invention to duplicate the single braking mechanism of Konar as modified by Hemstock and apply a second brake to the adjacent wheel for the purpose of providing greater security in terms of preventing motion of the cart. The reference of Cheng teaches a pair of brake mechanisms

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(see figure 2) each having actuating members (elements 20' and 20a) which are coupled together by a bar (element 30') which is pivotally connected (at elements 40) to the actuating members. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the brake coupling mechanism taught by Cheng to connect the brake mechanisms of the reference of Konar as modified by Hemstock together for the purpose of enabling the user to operate both brakes with a single motion.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Manuszak (US 5,125,674) teaches a wheeled infant care apparatus having a platform, a seta and a generally delta shaped frame. Crisp et al. (US 5,290,049) teaches a combination push chair and shopping trolley having a seat, and platform, wherein the rear wheels are provided with brakes, the brakes being coupled together by a hollow shaft member. Ming-Hsien (GB 2 256 685) teaches a brake coupling mechanism.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Vanaman whose telephone number is (703) 308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

Frank Vanaman
February 15, 1996

FRANK VANAMAN
Patent Examiner
Art Unit 3106

FBV
2/15/96

Richard M. Carby *2/15/96*
RICHARD M. CARBY
PRIMARY EXAMINER
GROUP 3100